

REMARKS

Applicants have amended the claims to refer where appropriate to the walls of the chamber in which the object is chilled is located. These amendments do not introduce new matter and should be entered.

The Examiner has objected to the drawings as failing to show every feature of the invention as claimed. This objection is respectfully traversed. Applicants respectfully submit that the Examiner did not examine the drawings with the care necessary to support this objection.

The Examiner states that the “object” set forth in claims 1, 10, 12 and 14-21 must be illustrated. However, not only is the object to be chilled not itself a part of the claimed invention but it is depicted in outline as a wine bottle 26 in FIGS. 1, 3 and 4; see page 4, lines 4-6. The Examiner also points to the term “helical” in claims 1, 2 and 14; this term is depicted by the helical arrowed line around the outlines of the bottles in FIGS. 1, 3 and 4. The “evaporator” of claim 8 and 9 is element 150 in FIG. 3; see page 5, line 22, of the specification. The “plurality of chambers” of claim 12 can be seen clearly in FIG. 4; see also, page 6, lines 16-27, of the specification. Finally, the Examiner states that the claim expression “fluid flow passages at least twice around the object before being allowed to exit” in claim 16 is not depicted. However, the claim language does not say “passages”; it says “passes.” Furthermore, this feature can be seen by reference to the helical line in all of the drawing figures, which passes at least twice around the object to be chilled. The objection to the drawings should be withdrawn.

Claims 1-12 and 14-21 stand rejected under 35 USC 112, second paragraph, for allegedly omitting essential cooperative relationships of elements. The Examiner pointed to the same elements as were allegedly not depicted in the drawings in support of this rejection. This rejection is respectfully traversed because (a) the allegedly missing features are clearly depicted in the drawings and (b) the claims set forth all of the structural relationships necessary for persons skilled in the art to understand the metes and bounds of the invention as claimed. The

Examiner has not provided a reasoned explanation of why any person skilled in the art would find the claims to be unclear. This rejection should be withdrawn.

Claims 1-6, 10, 11 and 14-17 stand rejected as anticipated by Kiczek. This rejection is respectfully traversed.

The Examiner does not identify the structure by which the fluid is caused to follow a helical path, nor does the Examiner indicate that Kiczek discloses the corresponding method step. Although Kiczek does appear in its FIG. 1 to disclose a helical path, that path is the conveyor path the objects to be chilled take in Kiczek's apparatus and not the path of flow of chilling fluid. As explained at column 2, lines 3-20, the product to be frozen is introduced into a cryogenic bath and moved along a spiral conveyor 24 from inlet 30 to discharge opening 32. The spiral depicted in Kiczek's FIG. 1 is the conveyor path. Kiczek discloses no fluid flow at all as claimed and thus cannot anticipate the rejected claims. This rejection should be withdrawn.

Claims 1-11 and 14-21 stand rejected as anticipated by Ishino. This rejection is respectfully traversed.

Ishino discloses helical vanes 7b located on the outside of wall 6, as can be seen best in FIG. 1E. However, contrary to the claimed invention, the fluid flow produced in Ishino does not come into contact with the object to be chilled as claimed, only with the outside of the chamber in which the object to be chilled may be located. There would have been no reason to modify Ishino so as to produce the fluid flow within the chamber delineated by wall 6, so Ishino cannot render the invention unpatentable. This rejection should be withdrawn.

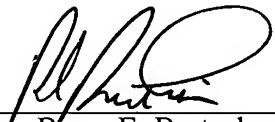
The rejection of claim 12 under 35 USC 103(a) on Ishino should likewise be withdrawn because Ishino does not provide the teachings for which it is cited. Furthermore, given the nature of Ishino's apparatus, the Examiner has provided no reason why any person of ordinary skill in the art would have employed multiple chambers in Ishino's apparatus.

Early action allowing claims 1-12 and 14-21 is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 424662008900.

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